

AMENDED IN ASSEMBLY APRIL 21, 2008

AMENDED IN ASSEMBLY APRIL 14, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2641

Introduced by Assembly Member Cook

February 22, 2008

An act to add Section 395.6 to the Military and Veterans Code, relating to military service.

LEGISLATIVE COUNSEL'S DIGEST

AB 2641, as amended, Cook. Military service: protection: mediator. Existing law provides certain benefits and protections for members of the state militia, as specified.

This bill would ~~require~~ *authorize* the Governor and each state agency and department to appoint a mediator to take complaints, as specified, and to resolve and coordinate the resolution of those complaints or other issues from state employees that are members of the California National Guard or members of a reserve component of the Armed Forces of the United States, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 395.6 is added to the Military and
- 2 Veterans Code, to read:
- 3 395.6. (a) The Governor ~~shall~~ *may* appoint a mediator in his
- 4 or her office to take complaints, regarding possible violations or

1 other issues dealing with the Uniformed Service Employment and
2 Reemployment Rights Act (38 U.S.C. Sec. 4301 et seq.), hereafter
3 USERRA, and Section 395.06, and to resolve and coordinate the
4 resolution of those complaints or issues, from state employees who
5 satisfy both of the following:

6 (1) Are members of either of the following:

7 (A) The California National Guard.

8 (B) A reserve component of the Armed Forces of the United
9 States.

10 (2) Encounter problems regaining their state position when they
11 return from service in the California National Guard or from service
12 in a reserve component of the United States Armed Forces.

13 (b) Each state agency and department ~~shall~~ *may* appoint a
14 mediator to take complaints, regarding possible violations of
15 USERRA and other issues relating to state pay, and to resolve and
16 coordinate the resolution of those complaints with, if necessary,
17 the assistance of the Governor-appointed ombudsman, from
18 employees of that department or agency who are members of either
19 the California National Guard or a reserve component of the Armed
20 Forces of the United States.

21 *(c) Mediators appointed under the provisions of subdivisions*
22 *(a) and (b) shall become knowledgeable about USERRA law and,*
23 *to the extent possible, work with the California Committee for*
24 *Employer Support of the Guard and Reserve, a Department of*
25 *Defense organization, and the California National Guard.*